

**Effective 5/8/2018**

## **Chapter 15 Utah Lake Restoration Act**

### **Part 1 General Provisions**

#### **65A-15-101 Title.**

This chapter is known as the "Utah Lake Restoration Act."

Enacted by Chapter 381, 2018 General Session

#### **65A-15-102 Definitions.**

As used in this chapter:

- (1) "Restoration project" means a project for the comprehensive restoration of Utah Lake, as provided in this chapter.
- (2) "Restoration proposal" means a proposal submitted to the division for a restoration project.

Enacted by Chapter 381, 2018 General Session

#### **65A-15-103 Legislative findings.**

The Legislature finds that:

- (1) Utah Lake currently faces serious challenges, including:
  - (a) fluctuating lake levels;
  - (b) uncontrolled, toxic algal blooms;
  - (c) loss of native vegetation;
  - (d) invasive fish and plant species;
  - (e) loss of littoral zone plants;
  - (f) suspended silt on the lake bottom;
  - (g) poor water clarity;
  - (h) heavy nutrient loading of lake sediments and within the water column; and
  - (i) high wind and wave action;
- (2) initial conservation efforts are producing measurable results and demonstrate that conservation solutions can produce restoration objective on Utah Lake;
- (3) additional and significant conservation investments are needed to implement the comprehensive solutions needed to fully restore Utah Lake and its water quality;
- (4) there is not a reasonable public funding source to undertake the comprehensive solutions needed to restore Utah Lake; and
- (5) it is in the interest of the state to undertake a comprehensive restoration of Utah Lake for the benefit of public trust uses on the lake.

Enacted by Chapter 381, 2018 General Session

### **Part 2 Utah Lake Restoration Project**

**65A-15-201 Division authority to dispose of sovereign land in exchange for Utah Lake restoration project -- Criteria.**

- (1) Subject to the approval of the Legislative Management Committee, the division may dispose of appropriately available state land in and around Utah Lake as compensation for the comprehensive restoration of Utah Lake under a restoration proposal if the division finds that the restoration project will:
  - (a) restore the clarity and quality of the water in Utah Lake;
  - (b) conserve water resources in and around Utah Lake;
  - (c) preserve the water storage and water supply functions of Utah Lake;
  - (d) remove invasive plant and animal species, including phragmites and carp, from Utah Lake;
  - (e) restore littoral zone and other plant communities in and around Utah Lake;
  - (f) restore and conserve native fish and other aquatic species in Utah Lake, including Bonneville cutthroat trout and June Sucker;
  - (g) increase the suitability of Utah Lake and its surrounding areas for shore birds, waterfowl, and other avian species;
  - (h) improve navigability of Utah Lake;
  - (i) maximize, enhance, and ensure recreational access and opportunities on Utah Lake;
  - (j) preserve current water rights related to water associated with Utah Lake; and
  - (k) otherwise improve the use of Utah Lake for residents and visitors.
- (2) In determining whether to dispose of state land in exchange for the execution of a restoration project, as provided in Subsection (1) and pursuant to a restoration proposal, the division shall consider:
  - (a) the potential that the restoration project presents for additional revenue to state and local government entities;
  - (b) the ability of the proposed use of the state land given in exchange for the restoration project to enhance state property adjacent to Utah Lake;
  - (c) the proposed timetable for completion of the restoration project;
  - (d) the ability of the person who submits a restoration project to execute and complete the restoration project satisfactorily; and
  - (e) the desirability of the proposed use of Utah Lake and the surrounding areas as a result of the restoration project.

Enacted by Chapter 381, 2018 General Session

**65A-15-202 Status of state lands after a change in ownership.**

Once the division transfers ownership of state land to a private party in exchange for and in furtherance of a restoration project, the land becomes subject to, as applicable:

- (1) Title 10, Chapter 9a, Municipal Land Use, Development, and Management Act; or
- (2) Title 17, Chapter 27a, County Land Use, Development, and Management Act.

Enacted by Chapter 381, 2018 General Session